

AMENDED IN ASSEMBLY JULY 15, 2009

AMENDED IN ASSEMBLY JUNE 30, 2009

AMENDED IN SENATE MAY 19, 2009

AMENDED IN SENATE MAY 4, 2009

AMENDED IN SENATE APRIL 23, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 398

Introduced by Senator Correa

February 26, 2009

An act to amend Section 18691 of the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 398, as amended, Correa. Mobilehome parks: fire code enforcement.

Existing law requires that regulations adopted by the Department of Housing and Community Development governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks be applicable in all parks, except in a park within a city, county, or city and county that is an enforcement agency, as defined, and has adopted and is enforcing a fire prevention code imposing restrictions equal to, or greater than, the restrictions imposed by building standards published in the California Building Standards Code and *the other state regulations adopted by the department*. Existing law authorizes, notwithstanding these provisions, a city, county, city and county, or special district to enforce its fire prevention code in

mobilehome parks relating to specified fire prevention code subject areas.

This bill would also exempt from department regulations a park within a special district that has been delegated fire code enforcement by the city, county, or city and county that has assumed fire code enforcement in accordance with ~~this part~~ *the Mobilehome Parks Act*. The bill would make specified additions to the subject areas in which a city, county, city and county, or special district that is not the enforcement agency may enforce its fire prevention code in mobilehome parks.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18691 of the Health and Safety Code is
2 amended to read:

3 18691. (a) The department shall adopt rules and regulations
4 that it determines are reasonably consistent with generally
5 recognized fire protection standards, governing conditions relating
6 to the prevention of fire or for the protection of life and property
7 against fire in parks. The department shall adopt and submit
8 building standards for approval pursuant to Chapter 4 (commencing
9 with Section 18935) of Part 2.5 for the purposes described in this
10 section within permanent buildings. The department, in
11 consultation with local firefighting agencies, shall adopt and
12 implement no later than January 1, 2002, regulations that require
13 regular maintenance and periodic inspection and testing of fire
14 hydrants in mobilehome parks.

15 (b) The regulations adopted by the department shall be
16 applicable in all parks, except in a park within either of the
17 following areas:

18 (1) A city, county, or city and county that is the enforcement
19 agency and has adopted and is enforcing a fire prevention code
20 imposing restrictions equal to or greater than the restrictions
21 imposed by those building standards published in the California
22 Building Standards Code and the other state regulations adopted
23 by the department.

24 (2) A special district that has been delegated fire code
25 enforcement by ~~the~~ a city, county, or city and county that has
26 assumed fire code enforcement in accordance with this part *and*

1 *is enforcing a fire prevention code imposing restrictions equal to*
2 *or greater than the restrictions imposed by those building*
3 *standards published in the California Building Standards Code*
4 *and other state regulations adopted by the department.*

5 (c) Notwithstanding the provisions of this section, the rules and
6 regulations adopted by the department relating to the installation
7 of water supply and fire hydrant systems shall not apply within
8 parks constructed, or approved for construction, prior to January
9 1, 1966.

10 (d) Notwithstanding the provisions of this section, a city,
11 county, city and county, or special district that is not the
12 enforcement agency under this part may enforce its fire prevention
13 code in mobilehome parks relating to fire hydrant systems;; water
14 supply;; fire equipment access;; posting of fire equipment access;;
15 parking;; lot identification;; weed abatement, including *combustible*
16 brush and ~~combustible~~ vegetation clearance;; debris abatement;;
17 combustible storage abatement, including flammable liquid
18 storage;; hazardous material storage and use;; open flame or open
19 burning;; park community clubhouse;; or recreation hall fire
20 safety;; and burglar bars. Before assuming fire code enforcement
21 in accordance with this subdivision, a city, county, city and county,
22 or special district shall give the department a 30-day written notice.
23 A city, county, city and county, or special district that enforces its
24 fire prevention code pursuant to this subdivision shall apply its
25 code provisions to conditions that arise after adoption of its fire
26 prevention code, to conditions not legally in existence at the
27 adoption of its fire prevention code, or to conditions that, in the
28 opinion of the fire chief, constitute a distinct hazard to life or
29 property.